

58231-3

58231-3

80310-2

NO. 58231-3-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

HENRY GOSSAGE,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

The Honorable Douglass North, Judge

2008 DEC 19 PM 4:25
FILED
COURT OF APPEALS
DIVISION ONE
SEATTLE, WASHINGTON

APPELLANT'S OPENING BRIEF

Lila J. Silverstein
Attorney for Appellant

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 701
Seattle, Washington 98101
(206) 587-2711

TABLE OF CONTENTS

A. ASSIGNMENTS OF ERROR	1
B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR	1
C. STATEMENT OF THE CASE	2
D. ARGUMENT	4
1. THE TRIAL COURT'S ORDER IS APPEALABLE AS A MATTER OF RIGHT.....	4
a. The order is appealable because it is a final order made after judgment that affects a substantial right.	4
d. The order is appealable because it is an order denying a motion to vacate a judgment.....	7
2. THE TRIAL COURT'S ORDER DENYING RELIEF FROM RESTITUTION AND A CERTIFICATE OF DISCHARGE MUST BE REVERSED BECAUSE THE COURT'S JURISDICTION TO ENFORCE THE RESTITUTION ORDER LAPSED.....	8
a. The superior court's order to pay restitution and other legal financial obligations is void because the court failed to extend its jurisdiction prior to the expiration of the 10-year period.	8
b. Discharge is mandatory where, as here, no sentencing requirements remain.	10
3. THE TRIAL COURT'S ORDER DENYING RELIEF FROM THE REQUIREMENT TO REGISTER AS A SEX OFFENDER SHOULD BE REVERSED AND REMANDED FOR A HEARING.....	12
a. A sex offender may petition to be relieved of the duty to register after spending 10 crime-free years in the community, and the petition may be granted if future registration would not aid law enforcement's efforts to protect the community.	12

b. Mr. Gossage should be granted a hearing at which he is given the opportunity to prove by clear and convincing evidence that he poses an extremely low risk of reoffense.....	13
---	----

E. CONCLUSION	15
---------------------	----

TABLE OF AUTHORITIES

Washington Supreme Court Decisions

<u>Alpine Industries, Inc. v. Gohl</u> , 101 Wn.2d 252, 676 P.2d 488 (1984)	6
<u>Foster v. Irrigation District</u> , 102 Wn.2d 395, 687 P.2d 841 (1984)...	6
<u>In re Meyer</u> , 142 Wn.2d 608, 16 P.3d 563 (2001)	13
<u>In re Peterson</u> , 138 Wn.2d 70, 980 P.2d 1204 (1999)	5
<u>In re Sappenfield</u> , 138 Wn.2d 588, 980 P.2d 1271 (1999)	8, 9, 10
<u>In re Ward</u> , 142 Wn.2d 608, 16 P.3d 563 (2001)	6
<u>Rios v. Wash. Dep't of Labor & Indus.</u> , 145 Wn.2d 483, 39 P.3d 961 (2002)	11
<u>State v. Campbell</u> , 112 Wn.2d 186, 770 P.2d 620 (1989)	5

Washington Court of Appeals Decisions

<u>Casa del Rey v. Hart</u> , 31 Wn. App. 532, 643 P.2d 900 (1982), <u>rev.</u> <u>denied</u> , 98 Wn.2d 1006	7
<u>In re A.G.</u> , 127 Wn. App. 801, 112 P.3d 588 (2005)	5
<u>State v. Acheson</u> , 75 Wn. App. 151, 877 P.2d 217 (1994)	11
<u>State v. Clark</u> , 75 Wn. App. 827, 880 P.2d 562 (1994)	13
<u>State v. Hotrum</u> , 120 Wn. App. 681, 87 P.3d 766 (2004)	5
<u>State v. Johnson</u> , 96 Wn. App. 813, 981 P.2d 25 (1999)	8, 9, 10
<u>State v. Munds</u> , 83 Wn. App. 489, 922 P.2d 215 (1996)	7, 11
<u>State v. Tetreault</u> , 99 Wn. App. 435, 998 P.2d 330 (2000), <u>rev.</u> <u>denied</u> , 141 Wn.2d 1015	9, 10
<u>State v. Thompson</u> , 93 Wn. App. 364, 967 P.2d 1282 (1998)	7

United States Supreme Court Decisions

<u>Reynolds v. Sims</u> , 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964)	6
<u>Yick Wo v. Hopkins</u> , 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed. 220 (1886)	6

Statutes

Laws of 1990, ch. 3, § 401	13
RCW 29A.04.079	6
RCW 6.17.020	9
RCW 9.94A.637	6, 10
RCW 9.94A.753	9, 10
RCW 9.94A.760	9, 10
RCW 9A.44.130	12
RCW 9A.44.140	11, 12

Constitutional Provisions

Wash. Const. art VI, § 3	6
--------------------------------	---

Rules

CrR 7.8(b)(4)	7, 10
RAP 1.2(a)	7
RAP 2.2(a)(10)	7
RAP 2.2(a)(13)	4, 6, 7

A. ASSIGNMENTS OF ERROR

1. The trial court erred in denying Mr. Gossage's motion for relief from restitution and other legal financial obligations.

2. The trial court erred in denying Mr. Gossage a certificate of discharge.

3. The trial court erred in denying a hearing at which Mr. Gossage could present evidence in support of his petition for relief from the duty to register as a sex offender.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. For offenses committed before July 1, 2000, an order to pay restitution and other legal financial obligations is void if the court failed to extend its jurisdiction within 10 years of the offender's release from total confinement. Where more than ten years have passed since the defendant's release from confinement, and the court file does not contain an extension of jurisdiction, did the trial court err in denying the defendant's motion for relief from restitution and other legal financial obligations? (Assignment of Error 1).

2. Once an offender has completed all requirements of his sentence, including legal financial obligations, the sentencing court must provide the offender with a certificate of discharge. Where the defendant's order to pay legal financial obligations is void, the

defendant has long since completed his term of confinement, and his no-contact order has expired, did the trial court err in denying his petition for a certificate of discharge? (Assignment of Error 2).

3. A sex offender who has spent 10 crime-free years in the community may petition for relief from the duty to register, and the court may grant relief if the offender proves, by clear and convincing evidence, that his future registration would not aid law enforcement efforts to apprehend sex offenders. Where the defendant has been designated a level 1 (low risk) offender, has completed treatment, has offended against only one person, has been crime-free for over 15 years, and has indicated that he has more evidence to present at a hearing, did the trial court err in denying a hearing on the motion? (Assignment of Error 3).

C. STATEMENT OF THE CASE

On April 16, 1992, Henry Gossage pled guilty to two counts of incest in the first degree, one count of rape in the third degree, and one count of attempted incest in the first degree, for offenses he committed against his adopted daughter. Supp. CP __ (Sub No. 10). On May 29 of that year he was sentenced to 30 months on each of the first three counts, and 67 months on the fourth count, to be served concurrently. CP 8. The judgment and sentence was

amended on October 20, 1994 to provide for 60 months of confinement. Supp. CP ____ (Sub No. 23). Mr. Gossage was also ordered to avoid contact with his victim for 10 years, and was notified of his statutory duty to register as a sex offender. CP 8, 10. He was ordered to pay a \$100 victim penalty assessment, \$85.50 in court costs, and restitution to be determined. CP 7. On August 31, 1992, the court ordered restitution in the amount of \$2,374.88. Supp. CP ____ (Sub No. 18).

Mr. Gossage completed sex-offender treatment at Twin Rivers, and was transferred from total confinement to work release in June of 1995. CP 20. He registered with King County as a sex offender. CP 20. Mr. Gossage was transferred to community custody in Thurston County on October 5, 1995. CP 21, 37-39. He has been registered as a level 1 sex offender in that county ever since. CP 21.

On November 4, 2003, the Department of Corrections ("DOC") terminated supervision of Mr. Gossage. CP 17. The Department noted that although Mr. Gossage had paid \$990.50 toward his legal financial obligations, he had accrued \$2,451.10 in interest, and thus owed \$4,020.98 when DOC terminated supervision. CP 18. Mr. Gossage attempted to return to his pre-

conviction profession as an industrial hygienist, but the Office of Personnel Management rated him ineligible for the position, partly because he had not finished paying restitution. Gossage v. Office of Personnel Management, 163 Fed. Appx. 909 at 7.

On December 8, 2005, Mr. Gossage petitioned pro se for a certificate of discharge, restoration of civil rights, relief from firearms disability, and relief from registration. CP 20-43. On April 18, 2006 the superior court denied the motion without a hearing. CP 44.

Mr. Gossage entered a Notice of Appeal, CP 45, and Commissioner James Verellen directed counsel to brief “both the question of appealability and any procedural or substantive challenge to the trial court order.”

D. ARGUMENT

1. THE TRIAL COURT’S ORDER IS APPEALABLE AS A MATTER OF RIGHT.

a. The order is appealable because it is a final order made after judgment that affects a substantial right. Under RAP 2.2(a)(13), a party may appeal “any final order made after judgment that affects a substantial right.” A final judgment is one “that ends the litigation, leaving nothing for the court to do but execute the judgment.” In re Peterson, 138 Wn.2d 70, 88, 980 P.2d 1204

(1999). An order is appealable under RAP 2.2(a)(13) “if it affects a right other than those adjudicated by the earlier final judgment.” State v. Campbell, 112 Wn.2d 186, 190, 770 P.2d 620 (1989). It is “the practical effect of an order which determines its appealability.” In re A.G., 127 Wn. App. 801, 808, 112 P.3d 588 (2005).

The order from which Mr. Gossage appeals is a final order made after judgment. It affects a right other than that adjudicated by an earlier final judgment: the right to be free from an order which the court now lacks statutory authority to enforce (see argument on the merits below). Any earlier judgment came before the court’s jurisdiction expired. The practical effect of the superior court’s decision is that the court will continue to enforce an order that it has no authority to enforce, and Mr. Gossage’s employment prospects will continue to be adversely affected.

The order from which Mr. Gossage appeals affects substantial rights. “Due process, being fundamental, affects substantial rights.” State v. Hotrum, 120 Wn. App. 681, 684, 87 P.3d 766 (2004) (accepting review of denial of motion to strike restitution order after court extended its jurisdiction without notifying the defendant). A certificate of discharge, which the court denied Mr. Gossage, serves to restore all civil rights lost upon conviction,

including the right to vote. RCW 9.94A.637(4). See Wash. Const. art VI, § 3 (the right to vote does not extend to those “convicted of infamous crime unless restored to their civil rights”); RCW 29A.04.079 (“infamous crime” means any felony offense).

The right to vote is a substantial right. “Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society.” Reynolds v. Sims, 377 U.S. 533, 561-62, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964). The right to vote is “regarded as a fundamental political right, because preservative of all rights.” Yick Wo v. Hopkins, 118 U.S. 356, 370, 6 S.Ct. 1064, 30 L.Ed. 220 (1886). The right to vote is even more substantial under the Washington Constitution than under its federal counterpart. Foster v. Irrigation District, 102 Wn.2d 395, 404, 687 P.2d 841 (1984).

The denial of relief from sex-offender registration also affects a substantial right. Although the Supreme Court has held it is not a fundamental liberty interest, In re Ward, 142 Wn.2d 608, 619, 16 P.3d 563 (2001), it is clearly a “substantial right” given other interests that have been found substantial under RAP 2.2(a)(13). See, e.g., Alpine Industries, Inc. v. Gohl, 101 Wn.2d 252, 255, 676 P.2d 488 (1984) (order denying a motion for permission to file a second motion for a new trial pursuant to CR

59(j) appealable under RAP 2.2(a)(13)); Casa del Rey v. Hart, 31 Wn. App. 532, 537, 643 P.2d 900 (1982), rev. denied, 98 Wn.2d 1006 (order confirming execution sale appealable). Thus, the denial of a petition for relief from sex-offender registration is also appealable. State v. Munds, 83 Wn. App. 489, 493, 922 P.2d 215 (1996).

d. The order is appealable because it is an order denying a motion to vacate a judgment. Even if the superior court's order were not appealable under RAP 2.2(a)(13), it would be appealable under RAP 2.2(a)(10), which provides the right to appeal an order granting or denying a motion to vacate a judgment. See State v. Thompson, 93 Wn. App. 364, 365, 967 P.2d 1282 (1998). Mr. Gossage argues that his restitution order is void and the court should have vacated it under CrR 7.8(b)(4). Accordingly, the superior court's decision is appealable under either RAP 2.2(a)(13) or RAP 2.2(a)(10).

Finally, it is a basic tenet of the Rules of Appellate Procedure that they must be construed liberally to promote the interest of justice and facilitate the decision of cases on the merits. RAP 1.2(a). Here, Mr. Gossage's petition was denied without the benefit of assistance of counsel or a hearing on the merits. The right to

appeal must be available to promote the interests of justice and facilitate a decision on the merits.

2. THE TRIAL COURT'S ORDER DENYING RELIEF FROM RESTITUTION AND A CERTIFICATE OF DISCHARGE MUST BE REVERSED BECAUSE THE COURT'S JURISDICTION TO ENFORCE THE RESTITUTION ORDER LAPSED.

a. The superior court's order to pay restitution and other legal financial obligations is void because the court failed to extend its jurisdiction prior to the expiration of the 10-year period. A court's authority to order restitution is purely statutory. In re Sappenfield, 138 Wn.2d 588, 591, 980 P.2d 1271 (1999). If the language of a statute is "plain and clear," the court must apply the statute as written. Id. Review of the trial court's application of the restitution statute is de novo. State v. Johnson, 96 Wn. App. 813, 816, 981 P.2d 25 (1999).

The statutes at issue here plainly and clearly state that for offenses committed before July 1, 2000, the superior court's jurisdiction to enforce restitution orders and other legal financial obligations expires 10 years after the offender's release, unless the court extends its jurisdiction prior to the expiration of the 10-year

period. RCW 9.94A.753(4) (restitution);¹ RCW 9.94A.760(4) (legal financial obligations).² See also RCW 6.17.020(4) (execution authorized within ten years).³

A restitution order is void if statutory provisions are not followed. Johnson, 96 Wn. App. at 815. "If a court's jurisdiction over a restitution order lapses . . . that order becomes void."

Sappenfield, 138 Wn.2d at 594. Cf. State v. Tetreault, 99 Wn. App. 435, 436, 998 P.2d 330 (2000), rev. denied, 141 Wn.2d 1015 (restitution order vacated because restitution was not determined within 180 days of sentencing and request for extension was not

¹ The restitution statute provides, in relevant part, "For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. . . ." RCW 9.94A.753(4).

² The "LFO" statute provides, in relevant part: "legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victim's assessments." RCW 9.94A.760(4).

³ RCW 6.17.020(4) provides, in relevant part, "A party who obtains a judgment or order for restitution, crime victims' assessment, or other court-ordered legal financial obligations pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and/or have legal process issued upon the judgment or order any time within ten years subsequent to the entry of judgment and sentence or ten years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18/190, provided that no filing fee shall be required."

made before period expired); Johnson, 96 Wn. App. at 816-17 (same).

The court's authority to enforce Mr. Gossage's order to pay restitution and other legal financial obligations lapsed, so the order is now void. Sappenfield, 138 Wn.2d at 594. Mr. Gossage was released from total confinement in June of 1995 and from work release on October 5, 1995. CP 21, 37-39. Accordingly, the statutes discussed above required the court to extend its jurisdiction prior to June of 2005 in order to continue to have the authority to enforce the obligations. RCW 9.94A.753(4); RCW 9.94A.760(4). Mr. Gossage's court file contains no such extension. Therefore, the order requiring him to continue to pay restitution and other costs is void, and the superior court should have vacated it. See Tetreault, 99 Wn. App. at 436; CrR 7.8(b)(4).

b. Discharge is mandatory where, as here, no sentencing requirements remain. "When an offender has completed all requirements of the sentence, including any and all legal financial obligations, . . . the sentencing court . . . shall discharge the offender and provide the offender with a certificate of discharge." RCW 9.94A.637. The legislature's use of the word "shall" means that discharge is mandatory where a defendant has satisfied the

conditions of his sentence. See Rios v. Wash. Dep't of Labor & Indus., 145 Wn.2d 483, 501, 39 P.3d 961 (2002).

Here, once the court properly vacates the order to pay restitution and other costs, no sentencing requirements remain, so Mr. Gossage must be issued a certificate of discharge. He has obviously completed the requirement that he serve a term of confinement. He has also completed the 10-year period for which he was subject to a no-contact order. His only continuing obligation – which he challenges (see below) – is to register as a level I sex offender. This obligation is not a sentencing requirement but a legislative mandate. Munds, 83 Wn. App. at 494; State v. Acheson, 75 Wn. App. 151, 155, 877 P.2d 217 (1994). The Judgment and Sentence included an appendix notifying Mr. Gossage of the statutory obligation, but did not order him to register. CP 8, 10. Indeed, the registration statute makes clear that an offender is subject to discharge even if the statutory duty to register as a sex offender remains. RCW 9A.44.140(7). Because Mr. Gossage has completed all of his sentencing requirements, he must be issued a certificate of discharge.

3. THE TRIAL COURT'S ORDER DENYING RELIEF FROM THE REQUIREMENT TO REGISTER AS A SEX OFFENDER SHOULD BE REVERSED AND REMANDED FOR A HEARING.

a. A sex offender may petition to be relieved of the duty to register after spending 10 crime-free years in the community, and the petition may be granted if future registration would not aid law enforcement's efforts to protect the community. A sex offender who has committed a class B felony must register with the county sheriff for a period of 15 years after release from confinement. RCW 9A.44.130(1)(a); RCW 9A.44.140(1)(b). If such a person has spent 10 consecutive years in the community without being convicted of any new offenses, he may petition the superior court for relief from the duty to register. RCW 9A.44.140(3)(a). In determining whether to grant the petition, "[t]he court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors." Id. It is the petitioner's burden to prove, by clear and convincing evidence, "that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330." Id. The purposes of these registration and notification

statutes is “to aid law enforcement’s effort to protect the community, investigate sex crimes and apprehend sex offenders, who the Legislature has found ‘often pose a high risk of reoffense.’” State v. Clark, 75 Wn. App. 827, 832, 880 P.2d 562 (1994) (citing Laws of 1990, ch. 3, § 401).

b. Mr. Gossage should be granted a hearing at which he is given the opportunity to prove by clear and convincing evidence that he poses an extremely low risk of reoffense. The superior court here denied Mr. Gossage’s multiple motions without a hearing or opinion. CP 44. Mr. Gossage should have been granted a hearing at which he could have presented evidence that his continued registration would not serve the purposes of the relevant statutes.

Mr. Gossage’s court file contains documents indicating that his petition is not frivolous and should be fully considered on the merits. Mr. Gossage is a level I sex offender, which is the designation for the least dangerous persons – those with a “low risk of reoffense.” In re Meyer, 142 Wn.2d 608, 613, 16 P.3d 563 (2001); CP 21. He offended against only one victim, and that victim was not a stranger. CP 1-4. He has been crime-free for over 15 years, and for over 10 years since release from confinement. CP 1-

4, 21, 29-32, 37-39. In his presentence report, Mr. Gossage's trial attorney wrote:

Rarely, in my almost quarter of a century practice, have I met anyone who has been as effected (sic) as Mr. Gossage is by this incident. He recognizes fully that there is nothing he can ever do to make up for his acts towards his daughter. . . . Mr. Gossage is into the therapy program with full vigor . . . He has expressed to me great remorse, not for his own situation, but for what he has done to his family.

Supp. CP __ (Sub No. 13). In a later motion to modify the conditions of community placement, Mr. Gossage represented that:

He completed a sex offender treatment program at Twin Rivers, and that it was determined that he is at low risk to reoffend. Mr. Gossage further states that prior to incarceration, Comte and Associates completed an evaluation which also assessed him to be at low risk to reoffend. If a hearing is granted by the court, counsel will attempt to obtain copies of both evaluations.

Supp. CP __ (Sub No. 29). A hearing was not granted on that motion, just as it was not granted on the petition at issue here.


Supp. CP __ (Sub No. 30). The denial of the petition for relief from sex-offender registration should be remanded for a hearing at which Mr. Gossage may present clear and convincing evidence that his future registration would not aid law enforcement's efforts to apprehend sex offenders.

E. CONCLUSION

For the reasons set forth above, Mr. Gossage respectfully requests that this court reverse the superior court's order denying his motion for relief from restitution and other legal financial obligations, and that a certificate of discharge be issued. Mr. Gossage further requests that the denial of his petition for relief from sex-offender registration be remanded for an evidentiary hearing.

DATED this 19th day of December, 2006.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lila J. Silverstein", is written over a horizontal line.

Lila J. Silverstein – WSBA 38394
Washington Appellate Project
Attorneys for Appellant

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I**

STATE OF WASHINGTON,)	
	)	COA NO. 58231-3
Respondent,)	
)	
v.)	
)	
HENRY GOSSAGE,)	
)	
Appellant.)	

DECLARATION OF SERVICE

I, ANN JOYCE, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

1. THAT ON THE 19TH DAY OF DECEMBER, 2006, A COPY OF ***APPELLANT'S OPENING BRIEF*** WAS SERVED ON THE PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

KING COUNTY PROSECUTING ATTORNEY
Appellate Division
W554 King County Courthouse
516 Third Ave.
Seattle, WA 98104

HENRY GOSSAGE
Home Address

SIGNED IN SEATTLE, WASHINGTON THIS 19th DAY OF DECEMBER, 2006

x Ann Joyce

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2006 DEC 19 PM 4:25

2006 JUL 18 PM 3:21
CUSTOMER SERVICE
S DIV #11

APPENDIX A

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

FILED
05 DEC -9 PM 4:55
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

HENRY GOSSAGE

Petitioner-Defendent,

v.

MORM MALENG,
Prosecuting Attorney.

Respondent.

CASE NO. 92-1-00072-1

PETITION FOR:

CERTIFICATE OF
REHABILITATION-DISCHARGE,
RESTORATION OF CIVIL
RIGHTS,
RELIEF FROM FIREARMS
DISABILITY, AND
RELIEF FROM REGISTRATION

FILED
2006 JUL 18 PM 3:21
COURT OF APPEALS
STATE OF WASHINGTON

Henry Gossage, Pro Se Petitioner (SID # WA15762687, DOC #992479)

respectfully requests this Court for the following:

1. Requests a Certificate of Rehabilitation;
2. Restoration of Civil Rights pursuant to RCW 9.96.010 and RCW 9.94A.637;
3. Restoration of right to possess a firearm pursuant to RCW 9.41.040, RCW 9.41.047;
4. Relief from Sex Offender Registration pursuant to RCW 9A.44.140.

FACTS

Henry Gossage is a resident of Thurston County since 1995.

Petitioner was convicted in 1992 and served three years of confinement, completed the treatment program at Twin Rivers. Petitioner was released from total confinement and transferred to Seattle work release in June 1995. Petitioner registered with King County as a sex offender.

POSTED

Petitioner was transferred to Thurston County community custody from work release in October 1995 and relocated to Olympia. Petitioner has been registered as a level 1-sex offender with Thurston County since 1995 (Thurston County Case # 95-1-00063-4).

Petitioner paid restitution through September 2005, more than Ten years following my release from total confinement and thirteen years from conviction, pursuant to RCW 6.17.020 and RCW 9.94A.753.

I have completed ALL requirements imposed by the court in the June 2002 Judgment and Sentence, to include the payment of legal financial obligations, restitution, principal and interest, as well as all applicable collection costs.

CONCLUSION

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

For the above-mentioned reasons, I respectfully request this Court for the above-mentioned relief: Relief from Sex Offender registration, Restoration of Civil Rights, Restoration of right to possess a firearm, Certificate of Rehabilitation-Discharge.

DATED: DECEMBER 8, 2005

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Henry Gossage", written over a horizontal line.

Henry Gossage

APPENDIX

1. King County Superior Case Search: Docket Details 10-5-2005
2. WATCH 10-6-2005
3. Order of Release from Work Release 6-15-2005
4. DOC Reporting Conditions 10-5-2005
5. Registration Notification 10-5-1998
6. DOC 5990 Notice to Offender-Supervision Terminated

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

HENRY GOSSAGE)	
	)	CASE NO. 92-1-00072-1
)	
Petitioner-Defendent,	)	PROPOSED ORDER FOR:
)	
v.	)	CERTIFICATE OF
	)	REHABILITATION-DISCHARGE,
MORM MALENG,	)	RESTORATION OF CIVIL
Prosecuting Attorney.	)	RIGHTS,
	)	RELIEF FROM FIREARMS
	)	DISABILITY, AND
	)	RELIEF FROM REGISTRATION
Respondent.)	
)	
)	

Henry Gossage, Pro Se Petitioner (Sid # WA15762687, DOC #992479)

respectfully requests this Court for the following:

5. Requests a Certificate of Rehabilitation-Discharge;
6. Restoration of Civil Rights pursuant to RCW 9.96.010 and RCW 9.94A.637;
7. Restoration of right to possess a firearm pursuant to RCW 9.41.040, RCW 9.41.047;
8. Relief from Sex Offender Registration pursuant to RCW 9A.44.140.

THIS MATTER having come on regularly before the above-entitled Court pursuant to RCW 9.96.010, RCW 9.94A.637, RCW 9.41.040, RCW 9.41.047, RCW 9A.44.140, the Court having considered the Petition submitted by the defendant, and any supporting material, and finding that the defendant has completed the requirements of the sentence, and there appearing to be no reason why the defendant should not be discharged, and the Court having reviewed the records and file herein, and being fully advised in the premise. Now, Therefore,

IT IS HEREBY CERTIFIED that the defendant has completed the requirements of the sentence imposed and that all court-ordered monetary obligations, including any assessed interest, have been met to the Court's satisfaction.

IT IS HEREBY ORDERED that this document be considered a satisfaction of judgment and that the defendant's civil rights lost by operation of law upon conviction be **HEREBY RESTORED**.

IT IS FURTHER ORDERED that the defendant's right to ship, transport, possess or receive firearms lost by operation of law upon conviction be **HEREBY RESTORED**.

IT IS FURTHER ORDERED that the defendant is relieved from Sex Offender Registration pursuant to RCW 9A.44.140.

DATED: _____

Judge

Presented by:


Defendant

Approved for entry without further notice:

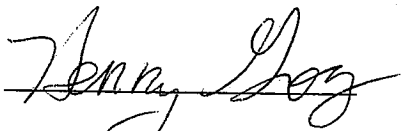
Deputy Prosecuting Attorney/WSBA No.

PROOF OF SERVICE

On December 8, 2005, Henry Gossage did place in the U.S. Mail, Defendant's

1. Petition for Restoration of Civil Rights, Relief from Sex Offender Registration, Restoration of right to possess a firearm, and Certificate of Rehabilitation-Discharge:
2. Proposed Order

Norm Maleng
King County Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104


Henry Gossage


[Courts Home](#) | [Superior Courts Case Search](#)

[Search](#) | [Site Map](#) | [eService Center](#)

King County Superior Court Case Search: Docket Details

Case Number: 92-1-00072-1**File Date:** 01/07/1992
Court: King County Superior Court
 516 3rd Ave Rm C-203
 Seattle, WA 98104-2361
Map & Directions

206-296-9100[Phone]

206-296-0986[Fax]

Visit Website

206-205-5048[TDD]

[\[Back to Search Results\]](#)

Sub	Docket Date	Docket Code	Docket Description	Misc Info	Calendar Date
-	01-07-92	\$CHC	Charge County	70.00	
1	01-07-92	INFO	Information		
2	01-07-92	ORW	Order For Warrant 25,000		
3	01-15-92	NTOHS	Notice Of Omnibus Hearing Setting	01-30-92	
-	01-15-92	ARRAIGN	Initial Arraignment		
3A	01-16-92	OR	Order Prohibiting Contact		
4	01-21-92	\$RTS	Return Of Service(law Enforce Dept)	15.50	
			Arrest Warrantent Rvw Hrg		
-	01-30-92	HCNTSTP	Hearing Continued: Stipulated	03-12-92	
5	01-31-92	RQ	Request Cont Omni Hrg	03-12-92	
-	03-12-92	HCNTSTP	Hearing Continued: Stipulated	04-09-92	
6	03-13-92	RQ	Request Cont Omni Hrg	04-09-92	
7	04-09-92	BN	Bond &3,000		
8	04-10-92	RQ	Request Cont Omni Hrg	04-14-92	
-	04-15-92	HCNTU	Hearing Continued: Unspecified	04-16-92	
9	04-16-92	GPOH	Guilty Plea Only Hearing		
			Cr Beverly Olsont Rvw Hrg		
		PRO00	Judge Pro Tem Frank Eberharter		
-	04-16-92	MTHRG	Motion Hearing		
10	04-17-92	STTDFG	Statement Of Defendant,plea Guilty		
11	04-17-92	OAPJPS	Or, Oath & Appr Jdge Pro Tem & Stip		
12	04-20-92	PRSIO	Presentence Investigation Order	05-29-92	

Case Number	Date	Action	Description	Amount
-	05-18-92	ACTION	3:30/jordanem Frank Eberharter	
-	05-18-92	\$NOTE	Calculation - Court Costs S/d: 05/29/92 - Aitken 30arter	
12A	05-29-92	SNTHRG	Sentencing Hearing Cr William Krameritken 30arter	
		JDG0030	Judge Patricia Aitken, Dept 30	
13	06-01-92	SNTRC	Sentence Recommendation/defense	
14	06-03-92	STPATY	Statement Of Prosecuting Attorney	
14A	06-03-92	JS	Judgment And Sentence Commmt Issd 06-03-92en, Dept 30	
-	06-03-92	\$PACV	Penalty Assessed - Crime Victims	100.00
15	06-05-92	WC	Warrant Of Commitment	
16	06-19-92	OREXB	Order Exonerating Bond/bail To Cecil Gossage-03-92en, Dept 30	
17	06-23-92	NT	Notice Re Hiv Testing	
18	09-01-92	ORSR	Order Setting Restitution \$2374.88	
19	06-17-93	NTAPR	Notice Of Appearance For Gossage	
20	08-24-93	RQSD	Request For Statement Of Damages	
21	09-23-93	CTD	Court's Decision/aitken	
22	10-18-93	MM	Memorandum	
23	10-25-94	OR	Order Amend Judgmt & Sentence	
24	07-11-95	AFSR	Affidavit/declaration Of Service	
25	07-21-95	NTMTDK	Note For Motion Docket - Invalid	08-11-95
		ACTION	Mtn To Amend Comm Placement Cond	
26	07-21-95	AFSR	Affidavit/declaration Of Service	
27	08-14-95	ORDYMT	Order Denying Motion/petition	
28	09-25-95	NTARD	Not Of Appear And Req For Discovery	
29	07-30-96	MT	Motion To Set Hearing	
30	08-05-96	ORDYMT	Order Denying Motion For Hearing	

31	08-07-96	MT	Motion To Set Hrg To Strike Rest	
32	08-22-96	RSP	Response/pla	
33	08-22-96	ORDYMT	Ord Denying Mtn To Set Hrg Date	
34	08-22-96	RSP	Response /pla	
35	04-07-97	MTAF	Motion And Affidavit To Strike Rest	
36	06-25-97	MTAF	Motion And Affidavit /amended	
37	07-08-97	LTR	Letter /courts	
38	07-16-97	MT	Motion In Forma Pauperis	
39	07-16-97	ORPRFP	Order To Proceed In Forma Pauperis	
-	07-16-97	\$NF	Non Fee	
40	07-16-97	NACA	Notice Of Appeal To Court Of Appeal	
41	07-16-97	TRLC	Transmittal Letter - Copy Filed	
42	07-17-97	NTWDA	Notice Of Withdrawal Of Attorney	
43	10-14-97	PNCA	Perfection Notice From Ct Of Appls	
			#41005-9-i	
44	10-17-97	DSGCKP	Desig Ck's Pprs-wap/41005-9-i	
			Pgs 1-102	
45	12-05-97	INX	Index Ck's Pprs-ifp-\$54.00/wap	
46	12-31-97	DSGCKP	Desig Ck's Pprs-sup-wap/41005-9-i	
			Pgs 103-105	
47	02-12-98	DSGCKP	Desig Ck's Pprs-sup-kcpa/41005-9-i	
			Pg 106	
48	05-05-98	INX	Index Ck's Pprs-ifp-\$4.50/wap	
49	05-05-98	INX	Index Ck's Pprs-exempt/kcpa	
50	07-19-99	MND	Mandate #41005-9-1/affirmed	
51	08-13-99	WC	Warrant Of Commitment	
-	06-10-03	NOTE	****case Restored****	
51A	06-09-03	NTMTDK	Nt Fr Motion Docket /no Date Given	
52	06-09-03	MT	Motion For Relief From Interest	
53	07-11-03	NTMTDK	Note For Motion Docket	07-18-2003
		ACTION	Mt Fr Relief	



WATCH

WASHINGTON ACCESS TO CRIMINAL HISTORY

Web Search Transcript

Washington State Patrol
Identification and Criminal History Section
P.O. Box 42633
Olympia, Washington 98504-2633
Telephone (360) 705-5100

This report was generated from a transaction run on 10/06/2005 at 11:18
Conviction Criminal History RCW 10.97.050(1)

Pursuant to the purpose of inquiry, A possible match was found in the Washington State Criminal History Repository based on the descriptors provided:
GOSSAGE,HENRY E DOB 07/21/1953 SSN 534583723

WASHINGTON STATE CRIMINAL HISTORY RECORD FOR SID/WA15762687
WASHINGTON STATE PATROL
IDENTIFICATION AND CRIMINAL HISTORY SECTION
P.O. BOX 42633
OLYMPIA, WASHINGTON 98504-2633

NOTICE

THE FOLLOWING TRANSCRIPT OF RECORD IS FURNISHED FOR OFFICIAL USE ONLY.
SECONDARY DISSEMINATION OF THIS CRIMINAL HISTORY RECORD INFORMATION IS
PROHIBITED UNLESS IN COMPLIANCE WITH THE WASHINGTON STATE CRIMINAL RECORDS
PRIVACY ACT, CHAPTER 10.97 RCW.

POSITIVE IDENTIFICATION CAN ONLY BE BASED UPON FINGERPRINT COMPARISON. BECAUSE
ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED
FOR SUBSEQUENT USE. WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED,
COMMUNICATE DIRECTLY WITH THE AGENCY THAT SUPPLIED THE INFORMATION TO THE
WASHINGTON STATE PATROL.

SID NUMBER	NAME	FBI NUMBER	DOC NUMBER
WA15762687	GOSSAGE, HENRY E		992479

PERSON INFORMATION

SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	PLACE OF BIRTH	CITIZENSHIP
M	W	509	205	BRO	BRO	NJ	

NAMES USED	DATES OF BIRTH	SOC SEC NUMBER	MISC NUMBER
GOSSAGE, HENRY	07/21/1953		

=====

CONVICTION AND/OR ADVERSE FINDING SUMMARY

		DISPOSITION DATE
4 FELONY(S)		
INCEST 1	CLASS B FELONY	05/29/1992
RAPE 3	CLASS C FELONY	05/29/1992
INCEST 1 ATTEMPT	CLASS C FELONY	05/29/1992
0 GROSS MISDEMEANOR(S)		
0 MISDEMEANOR(S)		
0 CLASSIFICATION(S) UNKNOWN		

=====

SEX/KIDNAPPING OFFENDER REGISTRATION

EVENTS	
TYPE:	SEX OFFENDER REGISTRATION
NAME USED:	GOSSAGE,HENRY E
DATE:	10/05/1995
CONTRIBUTING AGENCY:	WA0340000
	THURSTON COUNTY SHERIFF'S OFFICE

TYPE:	SEX OFFENDER REGISTRATION
NAME USED:	GOSSAGE,HENRY E
DATE:	06/13/1995
CONTRIBUTING AGENCY:	WAKCS0000
	KING COUNTY SHERIFFS OFFICE

=====

CRIMINAL HISTORY INFORMATION

THE ARRESTS LISTED MAY HAVE BEEN BASED ON PROBABLE CAUSE AT THE TIME OF ARREST OR ON A WARRANT. PROBABLE CAUSE ARRESTS MAY OR MAY NOT RESULT IN THE FILING OF CHARGES. CONTACT THE ARRESTING AGENCY FOR INFORMATION ON THE FORMAL CHARGES AND/OR DISPOSITIONS.

ARREST 1	DATE OF ARREST: 01/15/1992
----------	----------------------------

NAME USED:	GOSSAGE,HENRY E
CONTRIBUTING AGENCY:	WAKCS0000 KING COUNTY SHERIFFS OFFICE
LOCAL ID: 155441	PCN: N/A

=====

ARREST OFFENSES

DISPOSITION	
CONTRIBUTOR OR RESPONSIBLE AGENCY:	
WA017013A KING COUNTY	
PROSECUTOR'S OFFICE	
COURT CASE NO: 921000721	
STATUS:	GUILTY
00924 INCEST 1	
RCW:	9A.64.020(1)
CLASS B FELONY	
STATUS DATE:	05/29/1992

COUNTS: 2

SENTENCE: SENT. DESC.:
CHG 01: PRISON-30 MOS EACH
COUNT, CONCURRENT,
SUPV-AMOUNT UNKNOWN **CHG
02: PRISON-30 MOS,
CONCURRENT, SUPV-INCLUDED
**CHG 03: PRISON-67 MOS,
CONCURRENT, SUPV-INCLUDED

STATUS: GUILTY
00762 RAPE 3
RCW: 9A.44.060
CLASS C FELONY
STATUS DATE: 05/29/1992

STATUS: GUILTY
10924 INCEST 1
RCW: 9A.64.020(1)
ATTEMPT
CLASS C FELONY
STATUS DATE: 05/29/1992

APPEALED DATE: 07/17/1997
DIVISION I COURT OF APPEALS

CASE NO: 410059
JUDGMENT DATE: 10/05/1998
JUDGMENT: APPEAL AFFIRMED

ARREST 2

DATE OF ARREST: 05/29/1992

NAME USED: GOSSAGE, HENRY E
CONTRIBUTING AGENCY: WAKCS0000 KING COUNTY SHERIFFS OFFICE
LOCAL ID: 155441 PCN: N/A

ARREST OFFENSES

DISPOSITION
CONTRIBUTOR OR RESPONSIBLE AGENCY:
WA017013A KING COUNTY
PROSECUTOR'S OFFICE
COURT CASE NO: 921000721
REFER TO 01/15/1992

STATE DEPARTMENT OF CORRECTIONS

CUSTODY HISTORY

COMMITMENT

NAME USED: GOSSAGE, HENRY
CONTRIBUTING AGENCY: WA023025C WASHINGTON CORRECTIONS CENTER

DATE: 06/05/1992

DOC NUMBER: 992479

COURT CASE NO: 921000721 COUNTY/STATE: KING
CHARGE: 00924 INCEST 1 CLASS B FELONY
9A.64.020(1)

CHARGE: 00762 RAPE 3 CLASS C FELONY
9A.44.060

CHARGE: 10924 INCEST 1 CLASS C FELONY
9A.64.020(1)
ATTEMPT

GLOSSARY

CONTRIBUTING AGENCY: A LOCAL SHERIFF'S OFFICE, POLICE DEPARTMENT, JAIL OR
CORRECTIONAL FACILITY THAT SUBMITS FINGERPRINT CARDS TO THE
SECTION.

CONTRIBUTOR OR RESPONSIBLE AGENCY: THE AGENCY THAT SUBMITTED THE
INFORMATION OR, PRIOR TO OCTOBER 1999, PRESUMED TO BE THE
DISPOSITION REPORTER.

CONVICTION AND/OR ADVERSE FINDING SUMMARY: THE NUMBER AND TYPE OF CONVICTIONS
AND/OR ADVERSE FINDINGS PERTAINING TO AN INDIVIDUAL. DETAILS ARE
INCLUDED UNDER CRIMINAL HISTORY INFORMATION.

CUSTODY STATUS INFORMATION: CURRENT CUSTODY STATUS INFORMATION PROVIDED ONLINE
BY THE STATE DEPARTMENT OF CORRECTIONS.

DISPOSITION RESPONSIBILITY: AN INDICATION OF THE PROSECUTOR, COURT, OR LAW
ENFORCEMENT AGENCY WHICH MAY BE RESPONSIBLE FOR REPORTING THE
DISPOSITION.

DNA SAMPLE: DNA SAMPLE AND TYPE, VALUES PROVIDED BY WSP CRIME LABORATORY AT
(206) 262-6020 EXT 237.

DOC NUMBER: WASHINGTON STATE DEPARTMENT OF CORRECTIONS NUMBER.

LOCAL ID: LOCAL IDENTIFICATION NUMBER USED BY CONTRIBUTING AGENCY.

NOT RECEIVED: DISPOSITION OF ARREST OFFENSES THAT HAVE NOT BEEN SUBMITTED TO
THE WASHINGTON STATE PATROL IDENTIFICATION SECTION.

OIN: OTHER IDENTIFYING NUMBER. A TRACKING NUMBER ASSIGNED BY THE
CONTRIBUTING OR ORIGINATING AGENCY.

ORIGINATING AGENCY: THE ORIGINAL LAW ENFORCEMENT AGENCY HANDLING THE CASE,
WHICH MAY BE DIFFERENT FROM THE CONTRIBUTING AGENCY.

PCN: PROCESS CONTROL NUMBER USED BY CRIMINAL JUSTICE AGENCIES TO LINK
ARRESTS TO DISPOSITIONS.

RCW: REVISED CODE OF WASHINGTON; STATUTE REFERRING TO ARREST OFFENSE OR
THE CHARGE.

SEARCH PARAMETERS: REFERENCE INFORMATION USED BY SECTION STAFF.

SID NUMBER: UNIQUE STATE IDENTIFICATION SECTION RECORD NUMBER.

END OF RECORD



WATCH

WASHINGTON ACCESS TO CRIMINAL HISTORY

Web Search Transcript

Washington State Patrol
Identification and Criminal History Section
P.O. Box 42633
Olympia, Washington 98504-2633
Telephone (360) 705-5100

This report was generated from a transaction run on 10/06/2005 at 11:18
Conviction Criminal History RCW 10.97.050(1)

Pursuant to the purpose of inquiry, A possible match was found in the Washington State Criminal History Repository based on the descriptors provided:
GOSSAGE,HENRY E DOB 07/21/1953 SSN 534583723

WASHINGTON STATE CRIMINAL HISTORY RECORD FOR SID/WA15762687
WASHINGTON STATE PATROL
IDENTIFICATION AND CRIMINAL HISTORY SECTION
P.O. BOX 42633
OLYMPIA, WASHINGTON 98504-2633

NOTICE

THE FOLLOWING TRANSCRIPT OF RECORD IS FURNISHED FOR OFFICIAL USE ONLY.
SECONDARY DISSEMINATION OF THIS CRIMINAL HISTORY RECORD INFORMATION IS
PROHIBITED UNLESS IN COMPLIANCE WITH THE WASHINGTON STATE CRIMINAL RECORDS
PRIVACY ACT, CHAPTER 10.97 RCW.

POSITIVE IDENTIFICATION CAN ONLY BE BASED UPON FINGERPRINT COMPARISON. BECAUSE
ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED
FOR SUBSEQUENT USE. WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED,
COMMUNICATE DIRECTLY WITH THE AGENCY THAT SUPPLIED THE INFORMATION TO THE
WASHINGTON STATE PATROL.

SID NUMBER	NAME	FBI NUMBER	DOC NUMBER
WA15762687	GOSSAGE, HENRY E		992479

PERSON INFORMATION

SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	PLACE OF BIRTH	CITIZENSHIP
M	W	509	205	BRO	BRO	NJ	

NAMES USED	DATES OF BIRTH	SOC SEC NUMBER	MISC NUMBER
GOSSAGE, HENRY	07/21/1953		

=====

CONVICTION AND/OR ADVERSE FINDING SUMMARY

=====

		DISPOSITION	DATE
4 FELONY(S)			
INCEST 1	CLASS B FELONY		05/29/1992
RAPE 3	CLASS C FELONY		05/29/1992
INCEST 1 ATTEMPT	CLASS C FELONY		05/29/1992
0 GROSS MISDEMEANOR(S)			
0 MISDEMEANOR(S)			
0 CLASSIFICATION(S) UNKNOWN			

=====

=====

SEX/KIDNAPPING OFFENDER REGISTRATION

=====

EVENTS	
TYPE:	SEX OFFENDER REGISTRATION
NAME USED:	GOSSAGE,HENRY E
DATE:	10/05/1995
CONTRIBUTING AGENCY:	WA0340000
	THURSTON COUNTY SHERIFF'S OFFICE

=====

TYPE:	SEX OFFENDER REGISTRATION
NAME USED:	GOSSAGE,HENRY E
DATE:	06/13/1995
CONTRIBUTING AGENCY:	WAKCS0000
	KING COUNTY SHERIFFS OFFICE

=====

=====

CRIMINAL HISTORY INFORMATION

=====

THE ARRESTS LISTED MAY HAVE BEEN BASED ON PROBABLE CAUSE AT THE TIME OF ARREST OR ON A WARRANT. PROBABLE CAUSE ARRESTS MAY OR MAY NOT RESULT IN THE FILING OF CHARGES. CONTACT THE ARRESTING AGENCY FOR INFORMATION ON THE FORMAL CHARGES AND/OR DISPOSITIONS.

=====

ARREST 1

DATE OF ARREST: 01/15/1992

=====

NAME USED:	GOSSAGE,HENRY E
CONTRIBUTING AGENCY:	WAKCS0000 KING COUNTY SHERIFFS OFFICE
LOCAL ID: 155441	PCN: N/A

=====

ARREST OFFENSES

DISPOSITION	
CONTRIBUTOR OR RESPONSIBLE AGENCY:	
WA017013A KING COUNTY	
PROSECUTOR'S OFFICE	
COURT CASE NO: 921000721	
STATUS:	GUILTY
00924 INCEST 1	
RCW:	9A.64.020(1)
CLASS B FELONY	
STATUS DATE:	05/29/1992

COUNTS: 2

SENTENCE: SENT. DESC.:
 CHG 01: PRISON-30 MOS EACH
 COUNT, CONCURRENT,
 SUPV-AMOUNT UNKNOWN **CHG
 02: PRISON-30 MOS,
 CONCURRENT, SUPV-INCLUDED
 **CHG 03: PRISON-67 MOS,
 CONCURRENT, SUPV-INCLUDED

STATUS: GUILTY
 00762 RAPE 3
 RCW: 9A.44.060
 CLASS C FELONY
 STATUS DATE: 05/29/1992

STATUS: GUILTY
 10924 INCEST 1
 RCW: 9A.64.020(1)
 ATTEMPT
 CLASS C FELONY
 STATUS DATE: 05/29/1992

APPEALED DATE: 07/17/1997
 DIVISION I COURT OF APPEALS

CASE NO: 410059
 JUDGMENT DATE: 10/05/1998
 JUDGMENT: APPEAL AFFIRMED

ARREST 2 DATE OF ARREST: 05/29/1992

NAME USED: GOSSAGE,HENRY E
 CONTRIBUTING AGENCY: WAKCS0000 KING COUNTY SHERIFFS OFFICE
 LOCAL ID: 155441 PCN: N/A

ARREST OFFENSES

DISPOSITION
 CONTRIBUTOR OR RESPONSIBLE AGENCY:
 WA017013A KING COUNTY
 PROSECUTOR'S OFFICE
 COURT CASE NO: 921000721
 REFER TO 01/15/1992

STATE DEPARTMENT OF CORRECTIONS

CUSTODY HISTORY

COMMITMENT

NAME USED: GOSSAGE,HENRY DATE: 06/05/1992
 CONTRIBUTING AGENCY: WA023025C WASHINGTON CORRECTIONS CENTER DOC NUMBER: 992479

COURT CASE NO: 921000721 COUNTY/STATE: KING
 CHARGE: 00924 INCEST 1 CLASS B FELONY
 9A.64.020(1)

CHARGE: 00762 RAPE 3 CLASS C FELONY
9A.44.060

CHARGE: 10924 INCEST 1 CLASS C FELONY
9A.64.020(1)
ATTEMPT

GLOSSARY

CONTRIBUTING AGENCY: A LOCAL SHERIFF'S OFFICE, POLICE DEPARTMENT, JAIL OR
CORRECTIONAL FACILITY THAT SUBMITS FINGERPRINT CARDS TO THE
SECTION.

CONTRIBUTOR OR RESPONSIBLE AGENCY: THE AGENCY THAT SUBMITTED THE
INFORMATION OR, PRIOR TO OCTOBER 1999, PRESUMED TO BE THE
DISPOSITION REPORTER.

CONVICTION AND/OR ADVERSE FINDING SUMMARY: THE NUMBER AND TYPE OF CONVICTIONS
AND/OR ADVERSE FINDINGS PERTAINING TO AN INDIVIDUAL. DETAILS ARE
INCLUDED UNDER CRIMINAL HISTORY INFORMATION.

CUSTODY STATUS INFORMATION: CURRENT CUSTODY STATUS INFORMATION PROVIDED ONLINE
BY THE STATE DEPARTMENT OF CORRECTIONS.

DISPOSITION RESPONSIBILITY: AN INDICATION OF THE PROSECUTOR, COURT, OR LAW
ENFORCEMENT AGENCY WHICH MAY BE RESPONSIBLE FOR REPORTING THE
DISPOSITION.

DNA SAMPLE: DNA SAMPLE AND TYPE, VALUES PROVIDED BY WSP CRIME LABORATORY AT
(206) 262-6020 EXT 237.

DOC NUMBER: WASHINGTON STATE DEPARTMENT OF CORRECTIONS NUMBER.

LOCAL ID: LOCAL IDENTIFICATION NUMBER USED BY CONTRIBUTING AGENCY.

NOT RECEIVED: DISPOSITION OF ARREST OFFENSES THAT HAVE NOT BEEN SUBMITTED TO
THE WASHINGTON STATE PATROL IDENTIFICATION SECTION.

OIN: OTHER IDENTIFYING NUMBER. A TRACKING NUMBER ASSIGNED BY THE
CONTRIBUTING OR ORIGINATING AGENCY.

ORIGINATING AGENCY: THE ORIGINAL LAW ENFORCEMENT AGENCY HANDLING THE CASE,
WHICH MAY BE DIFFERENT FROM THE CONTRIBUTING AGENCY.

PCN: PROCESS CONTROL NUMBER USED BY CRIMINAL JUSTICE AGENCIES TO LINK
ARRESTS TO DISPOSITIONS.

RCW: REVISED CODE OF WASHINGTON; STATUTE REFERRING TO ARREST OFFENSE OR
THE CHARGE.

SEARCH PARAMETERS: REFERENCE INFORMATION USED BY SECTION STAFF.

SID NUMBER: UNIQUE STATE IDENTIFICATION SECTION RECORD NUMBER.

END OF RECORD



OFFENDER NAME (PLEASE PRINT) <u>HENRY GOSSAGE</u>	DOC # <u>992479</u>	COURT/CAUSE # <u>92-1-00072-1</u>
--	------------------------	--------------------------------------

I understand that under the provisions of RCW 9.94A or 9.95, I am subject to all conditions and requirements the Court/Indeterminate Sentence Review Board has imposed. Furthermore, I understand that I am under the legal custody and supervision of the Department of Corrections and that I must comply with the instructions of the Department herein. Should I violate any of these conditions/requirements or instructions, I understand that I may be brought before the Court/Indeterminate Sentence Review Board/Department of Corrections Transition Specialist for a hearing and/or imposition of additional sanctions.

☒ **STANDARD CONDITIONS:**

1. Secure permission from the community corrections officer before leaving the state of Washington.
2. Remain within a geographic area as directed by the Department of Corrections as follows:

Thurston except for employment

3. Obtain written permission from the community corrections officer before traveling outside the county in which you reside, unless you have been advised in writing by your community corrections officer that it is not necessary to do so.
4. Notify the community corrections officer before changing residence or employment.

☒ **COMMUNITY PLACEMENT CONDITIONS:**

1. Abide by any special conditions imposed by the court or any written or verbal instructions issued by a community corrections officer.
2. Work at a Department of Corrections approved education program, employment program, and/or community service program.
3. Do not consume controlled substances except pursuant to lawfully issued prescriptions.
4. If in community custody, not unlawfully possess controlled substances.
5. Obtain permission from the community corrections officer before changing residence or employment.
6. Other:

COMMUNITY PLACEMENT SUPERVISION STATUS:

- ☒ Transferred to Community Custody ☐ Released to Post-Release Supervision

COURT-ORDERED CONDITIONS/REQUIREMENTS:

AS PER COURT ORDER

FINANCIAL CONDITIONS:

- ☒ Pay legal financial obligations and any assessed interest as follows:

Restitution \$ 2760.17 Court Costs \$ 189.00 Attorney Fees \$ —

Fines \$ — Victim Compensation Fees \$ 100.00 Other \$ —

I agree to pay not less than \$ 20.00 per month beginning 10-5-95 to the

Clerk of KING County at SEE ATTACHED DATE

until my financial obligation is paid in full.

- ☐ Complete — hours of community service at a rate of — hours per ☐ week ☐ month as directed by the Department of Corrections.

REPORTING INSTRUCTIONS:

CONDITIONS, REQUIREMENTS, AND INSTRUCTIONS - continued

You are required to report and be available for contact with the assigned community corrections officer as directed. NOTE: Failure to report may result in the filing of escape charges if in community custody status. Until instructed to no longer report or a court order is issued closing the case;

Report to: Robert C Whiting CCO

Address: 3700 MARTIN WAY #104 OLYMPIA, WASHINGTON

Telephone: (360) 459-6370

Reporting Instructions: AS DIRECTED

☒ Pay a supervision fee of \$ 15 per month beginning 10-5-95. Payments must be:

- In the form of a cashier's check or money order only
- made payable to:

The Department of Corrections
Division of Management and Budget
Accounting Section
P.O. Box 9700
Olympia, WA 98504-9700

- Noted with your name and your Department of Corrections number on every cashier's check or money order.

☒ Community Placement: Abide by curfew hours 12 to 8 AM beginning 10-5-95 (while on community custody only).

NOTICES:

☒ **Firearms:** I have been advised and understand that I have been convicted of a felony and that as a convicted felon I am prohibited by law from owning, possessing, receiving, shipping, or transporting a firearm, ammunition, or explosives. I understand the prohibition extends to every sort of gun, rifle, or explosive device or similar device including the frame or receiver of firearms. I further understand that I should seek legal advice if I wish to possess a firearm after I am discharged from supervision.

☒ **Debt:** I have been advised and understand that failure to make payments toward my legal financial obligations as scheduled can result in an increase in my monthly payment rate. Should I fall behind in my monthly payments in an amount equal to or greater than the amount payable for one month, the Department of Corrections may issue a Notice of Payroll Deduction. My employment earnings are subject to a Notice of Payroll Deduction and my earnings or property, or both, are subject to an Order

to Withhold and Deliver. Any net proceeds obtained through either a Notice of Payroll Deduction or an Order to Withhold and Deliver will be applied to my court-ordered financial obligations.

☒ **Grievance Procedure:** I have received a copy of the Department's grievance procedure.

☒ **Registration:** I have been advised and understand the registration requirements for sex offenders.

☒ **Arrest, Search, and Seizure:** I am aware that I am subject to search and seizure of my person, residence, and automobile, or other personal property if there is reasonable cause on the part of the Department of Corrections to believe that I have violated the conditions/requirements or instructions above.

☒ **Computerized Billing System:** I am aware I will receive a monthly bill from the Department of Corrections for each cause number on which I owe legal financial obligations. I understand I am to mail the bill along with my payment to the appropriate county clerk.

I have read or have had read to me the foregoing conditions and sentence requirements which are applicable in my case. Each of these conditions/requirements have been explained to me and I hereby agree to comply with them.

OFFENDER SIGNATURE <u>Hay Song</u>	DATE <u>10-5-95</u>
CCO SIGNATURE <u>Robert C Whiting</u>	DATE <u>10-5-95</u>
LOCATION <u>Olympia</u>	

8:30 Wed morning

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

ORDER OF RELEASE AND/OR TRANSFER TO COMMUNITY CUSTODY

SECTION I

OFFENDER NAME GOSSAGE, HENRY		DOC NUMBER 992479	FACILITY Bishop Lewis Work Release
DATE OF BIRTH 07-21-53	SCHEDULED RELEASE DATE 09-26-95	RECORDS MANAGER Sharon Dahlstrom, CRM	DATE 06-15-95
SID NUMBER 15762687	AUTHORIZED/ACTUAL RELEASE 10-5-95 per records	RELEASING AGENT (CRM/CCO)	

The Department of Corrections, after carefully reviewing all available information hereby releases and/or transfers to Community Custody the above named individual, an inmate of a Washington State Correctional Facility.

SECTION II

I understand that, under the provision of the sentencing laws of the state of Washington, I am subject to the conditions and/or sentence requirements imposed by the court/ISRB. I also understand that if I am under the legal custody/supervision of the Department of Corrections, I must comply with all instructions of the Department. Failure to report may cause a report to be submitted to the court/Board which could result in additional sanctions as well as escape charges if on Community Custody.

I intend to reside at:

ADDRESS 2402 SLEATER KINNEY RD.	EMERGENCY CONTACT CECIL GOSSAGE, FATHER
LACEY, WA 98503	ADDRESS SAME
TELEPHONE (360) 291-4929	TELEPHONE SAME

☒ I understand that I am to report to the designated Community Corrections Officer noted below no later than the next work day following my release/transfer to Community Custody. If INS, and I return or am released, I am to report to Dick Alvord, Seattle Warrants Unit.)

To: **0003 Robert Whiting** (360) 459-6525

The address is: **3706 MARTIN WAY, SUITE 104**

OLYMPIA, WA 98504-1121

CITY, STATE, ZIP

REPORT WITHIN 24 HOURS OF RELEASE

SECTION III

- ☒ I have been notified of the Department's Community Involvement Program.
- ☒ I have read or have had read to me the "Registration Notification" and the foregoing conditions and requirements. Each of these conditions/requirements have been explained to me and I hereby agree to comply with them.

OFFENDER'S NAME (PLEASE PRINT) GOSSAGE, HENRY	WITNESS Thelma Watkins	DATE 06/10/95
OFFENDER'S SIGNATURE X Henry Gossage	Attachments: Photo and Special Bulletin (if appropriate) Order of Parole (if appropriate) Community Placement Certificate of Conditions (if appropriate) Release Packet: J&S (all current causes on DI14 except parole causes) PSI - most recent CHR Summary 5-30 - most recent Psychological (if available) Chemical Dependency Assessment (if available)	
DISTRIBUTION: White - Central File Green - SEX OFFENDER ONLY - WA, State Patrol - I. D. & Criminal Hist. Section P. O. Box 42633 Olympia, WA 98504-2633 Canary - Offender Pink - Receiving Assignment Officer (with attachments) Goldenrod - CRM Worksheet - DCC only		
OFFENDER NAME GOSSAGE, HENRY	DOC NUMBER 992479	SID NUMBER 15762687



NAME GOSSAGE, HENRY DOC# 992479 CAUSE # 92-1-00072-1

I understand that under the provisions of RCW 9.94A, I am subject to all conditions and/or sentence requirements the Court may impose. Furthermore, that I am under the legal custody of the Department of Corrections. Should I violate any of these conditions/requirements while in community custody, I understand that I am entitled to a hearing before the Department prior to any sanctions being imposed. While in post release supervision, if I violate any of these conditions/requirements I understand I may be brought before the court for imposition of additional sanctions.

TO BE COMPLETED BY INSTITUTION COUNSELOR OR W/R CCO

SECTION I. STANDARD CONDITIONS

1. You shall report to and be available for contact with the assigned Community Corrections Officer as directed. NOTE: Failure to report may result in the filing of escape charges.
2. You shall work at a Department of Corrections approved education program, employment program, and/or community service program.
3. You shall not consume controlled substances except pursuant to lawfully issued prescriptions.
4. If in community custody, you shall not unlawfully possess controlled substances.
5. You shall pay a Community Placement fee as determined by the Department of Corrections.
6. You must receive prior approval for living arrangements and residence location.
7. You shall not own, ship, receive, transport, or possess firearms or ammunitions.
8. You may be required to pay a special service fee as determined by the Department of Corrections.

SPECIAL CONDITIONS: (Those imposed by the Court per Judgment and Sentence)

Per Judgment + Sentence

DOC RULES/REQUIREMENTS

1. Obtain written permission from the Community Corrections Officer before traveling outside the county in which you reside, unless you have been advised in writing by your Community Corrections Officer that it is not necessary to do so.
2. Secure written permission from the Community Corrections Officer before leaving the State of Washington.
3. Obtain permission from the Community Corrections Officer before changing residence or employment.
4. Abide by any additional conditions imposed by the court (TO BE DETERMINED BY YOUR CCO) and follow the instructions of the Community Corrections Officer in meeting any and all conditions imposed by the Court.
5. Submit to a search of your person, residence, vehicle and other belongings when ordered to do so by the Community Corrections Officer.
6. Abide by curfew hours if set by your CCO.

SUPERVISION STATUS:

(Check one box)



Transferred to Community Custody



Released to Post Release Supervision

SECTION II

1. Pay legal financial obligations and any assessed interest as follows:

Restitution \$ _____ Court Costs \$ _____ Attorney Fees \$ _____

Victim's Compensation Fee \$ _____ Fine \$ _____ Other \$ _____

I agree to pay not less than \$ _____ per month beginning _____

to the Clerk of _____ County _____ (date)

until my financial obligation is paid in full. (address)

COMMUNITY PLACEMENT
CONDITIONS, REQUIREMENTS
AND INSTRUCTIONS

SECTION II (continued)

as directed

2. Pay a supervision fee of \$ _____ each month beginning _____. Payments must be:

- in the form of a cashier's check or money order only
- made payable to:

THE DEPARTMENT OF CORRECTIONS
DIVISION OF MANAGEMENT & BUDGET ACCOUNTING SECTION
P.O. BOX 9700
OLYMPIA WA 98504-9700

- noted with your name and your Department of Corrections number on every cashier's check or money order.

Department of Corrections Instructions:

1. Report to: Officer R. Whiting, CCOTI Telephone: (360) 459-6535
Address: 3700 Martin Way, Suite 104, Olympia, WA 98504
Report Instructions: Report in person within 24 hours of release; thereafter, report as directed.

abide by curfew hours _____ to _____ beginning _____ (while on community custody only), until instructed to no longer report or a court order is issued closing case.

NOTICES

Debt: I have been advised and understand that failure to make payments toward my legal financial obligations as scheduled can result in an increase in my monthly payment rate. Should I fall behind in my monthly payments in an amount equal to or greater than the amount payable for one month, the Department of Corrections may issue a Notice of Payroll Deduction. My employment earnings are subject to a Notice of Payroll Deduction and my earnings or property, or both, are subject to an Order to Withhold and Deliver. Any net proceeds obtained through either a Notice of Payroll Deduction or an Order to Withhold and Deliver will be applied to my Court ordered financial obligations.

Firearms: I have been advised and understand that I have been convicted of a felony and that as a convicted felon I am prohibited by law from owning, possessing, receiving, shipping or transporting a firearm, ammunition, or explosives. I understand the prohibition extends to every sort of gun, rifle or explosive device or similar device including the frame or receiver of firearms. I further understand that under RCW 9.41.040, this prohibition will continue, as it pertains to short firearms, after I am discharged from supervision if:

1. I have been convicted of a "crime of violence," as defined by RCW 9.41.010, in any state.
2. I have been convicted of a felony in which a firearm was used or displayed in any state.
3. I have been convicted of a felony under the Uniform Controlled Substance Act, RCW 69.50, et. seq., or any equivalent statute in any state.
4. I have been involuntarily committed for mental illness in any state.
5. I have been adjudicated criminally insane in any state.

Grievance Procedure: I have received a copy of the Department's grievance procedure.

I have read or have had read to me the foregoing conditions and sentence requirements, which are listed on page 1 and 2, and are applicable in my case. Each of these conditions/requirements have been explained to me and I hereby agree to comply with them.

Wilma J. Dawkins, CCOTI
OFFICER
BLH, Seattle, WA
(PLACE)

[Signature]
OFFENDER'S SIGNATURE

DATE

DISTRIBUTION:

ORIGINAL - CCO
COPY - OFFENDER

CC ONLY
ORIGINAL - CENTRAL FILE
COPY - CCO

REGISTRATION NOTIFICATION

Henry Gossage
NAME

Substitute Senate Bill 6259, passed by the 1990 Legislature and Substitute House Bill 1997 passed by the 1991 Legislature required the registration of sex offenders with local law enforcement agencies. The requirement applies to anyone convicted of a sex offense (as defined by RCW 9A.030) committed on or after the effective date of the legislation (2/28/90), and those under the custody or supervision of the Department of Corrections for a sex offense regardless of when it was committed. The registration requirement also applies to any offender who transfers to the state of Washington from another state at the time the Department assumes supervision.

REQUIREMENTS OF THE LAW

- Offenders required to register must go to the sheriff's office in person and provide the following information:
 - a. Name
 - b. Date and Place of birth
 - c. Address
 - d. Place of Employment
 - e. Crime for which convicted.
 - f. Date and place of conviction
 - g. Alias(es)
 - h. Social Security Number

NOTE: The county sheriff will photograph and fingerprint you and send this information to the state patrol.

- Inmates released from prison with a registration requirement must register with the sheriff within twenty-four (24) hours of release.
- Offenders under active supervision with the Department of Corrections who have a registration requirement must register immediately following notification of this requirement by a Community Corrections Officer.
- New residents to the state of Washington with sex offense convictions have twenty-four (24) hours to register from the date of moving to Washington.
- If you move to a new address within the same county where you registered, you must send written notice of the change of address to the sheriff within ten (10) days of the move. If you move to a new county, you must register in person with the sheriff of the new county within ten (10) days. You must also send a written notice to the sheriff in the county you moved from within the same ten (10) day period.
- If you leave the State of Washington and then return, you must register with the county sheriff within thirty (30) days.

PENALTIES FOR FAILURE TO REGISTER

- If you do not register, you may be guilty of a new Class C felony if the crime for which you were convicted was a Class A felony or a federal or out-of-state conviction for an offense that would be a Class A felony in Washington. If the crime was less than a Class A felony, etc., failure to register is a gross misdemeanor.

REMEMBER, IT IS A NEW CRIMINAL OFFENSE FOR YOU TO FAIL TO REGISTER UNLESS YOU ARE RELIEVED OF THE REGISTRATION REQUIREMENT AS DESCRIBED ABOVE. IT IS YOUR RESPONSIBILITY TO UNDERSTAND AND OBEY THIS LAW.

1. Henry Gossage
OFFENDER NAME (PLEASE PRINT)

have read or have had read to me the REGISTRATION NOTIFICATION and the foregoing conditions and requirements. Each of these conditions/ requirements have been explained to me and I hereby agree to comply with them.

Henry Gossage 10/5/98
OFFENDER'S SIGNATURE DATE

7-21-57
DATE OF BIRTH
Paul Quinn
1500 1st Ave SE
WILMINGTON, DE 19806
WITNESSING OFFICER'S SIGNATURE DATE

DISTRIBUTION
WHITE- county Clerk of Conviction (FOS Cases - Thurston County)
CANARY- SEX OFFENDER ONLY Washington State Patrol, R&I Section, Sex Offender Desk, OE-02, Olympia, WA 98504
PINK- File
GOLDENROD- Offender
DOC 5-444A (REV 5/14/92)

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

5990 NOTICE TO OFFENDER

RE: Mr. HENRY GOSSAGE DOC Number: 992479

Mr. HENRY GOSSAGE
9421 JOHNSON POINT LOOP
OLYMPIA, WASHINGTON 98516

There has been a change in your supervision status. Per RCW 9.94A, the listed cause(s) do not meet the criteria for continued supervision by the Department of Corrections.

County	<u>King</u>	Cause Number:	<u>99-1-00072.1</u>
County		Cause Number:	
County		Cause Number:	
County		Cause Number:	

The Court(s) will be notified of your supervision status.

- You will continue to make payments to the appropriate County Clerk on any outstanding legal financial obligations for each noted cause.
- Protection Orders and No Contact Orders related to the above listed cause(s) remain in effect unless modified by the Court.
- Any conditions of supervision imposed by the Department of Corrections are no longer in effect.
- DOC will continue to provide you with Legal Financial Obligations billing statements until January 2004.
- Effective January 2004, offender contact information will be provided to the Office of the Administrator for the Courts and the County Clerk of jurisdiction for purposes of billing, monitoring and collection of Legal Financial Obligations.

REPORTING OBLIGATION STATUS:

- ☒ You are instructed to report to the Department of Corrections by KIOSK until January 2004, any changes in your address for Legal Financial Obligations billing purposes.
- ☐ You must continue to report to the Department of Corrections as previously directed for remaining active cause(s).

If you have any questions, please contact your Community Corrections Officer.

VIRGIL WALLACE
KING COUNTY OMMU #233
1516 2ND AVENUE - 2ND FLOOR -TB-63
SEATTLE, WA 98101
(206) 254-4830

Distribution: **ORIGINAL:** Offender **COPY:** Central File/Field File

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.

APPENDIX B

FILED

2006 APR 27 AM 10:01

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

FILED
COURT OF APPEALS DIV #1
STATE OF WASHINGTON
2006 JUL 18 PM 3:21

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 92-1-00072-1 SEA

vs.

HENRY GOSSAGE,

Defendant.

ORDER DENYING DEFENDANT'S
MOTION FOR DISCHARGE AND
RELIEF FROM DUTY TO REGISTER
AS A SEX OFFENDER

THIS MATTER having come on regularly before the undersigned judge of the above-entitled court upon the motion by the defendant pro se, for an order of discharge and for relief from his obligation to register as a sex offender in the above entitled cause, and the court being fully advised in the premises; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the defendant's motion is DENIED.

SIGNED this 18th day of April, 2006.

Douglas A. North
JUDGE DOUGLASS NORTH

Presented by:

Cristy Craig
Cristy Craig WSBA #27451
Deputy Prosecuting Attorney



60
3